

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADAN MADERO RAYA,

Petitioner,

vs.

GROUND, Warden,

Respondent.

No. C 11-3742 JSW (PR)

ORDER OF TRANSFER

(Docket Nos. 2, 4)

Petitioner is a state prisoner currently incarcerated at the California Training Facility in Soledad ("CTF"). He has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction obtained in Shasta. CTF is located within the venue of this Court, but Shasta County lies within the venue of the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).


As Petitioner was convicted and in the Eastern District, this action is TRANSFERRED to the United States District Court for the Eastern District of

1 California. *See* 28 U.S.C. § 1406(a). Ruling on the pending motions (docket numbers 2
2 and 4) is deferred to the Eastern District in light of this transfer.

3 The Clerk of the Court shall transfer this matter forthwith.

4 IT IS SO ORDERED.

5 DATED: August 30, 2011

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7 JEFFREY S. WHITE
8 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ADAN M. RAYA,

Plaintiff,

v.

RONALD GROUND et al,

Defendant.

Case Number: CV11-03742 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 30, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Adan M. Raya
F93683
P.O. Box 705
Soledad, CA 93960

Dated: August 30, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk